

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Cub Club Investment, LLC,

Plaintiff,

v.

Apple Inc.,

Defendant.

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Civil Action No. 6:20-cv-856-ADA-JCM

**DECLARATION OF GABRIEL S. GROSS IN SUPPORT OF
APPLE INC.'S MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, Gabriel S. Gross, declare as follows:

1. I am an attorney at Latham & Watkins LLP, counsel of record in this action for Defendant Apple Inc. I am admitted to practice before this Court *pro hac vice* and am a member of the bar of the State of California. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. Attached as Exhibit 1 is a true and correct copy of a printout of “What is Unicode?,” a webpage available at <https://www.unicode.org/standard/WhatIsUnicode.html>, last visited November 24, 2020.

3. Attached as Exhibits 2a–c are true and correct copies of printouts of (a) “The Unicode Consortium,” a webpage available at <https://www.unicode.org/consortium/consort.html>, last visited November 24, 2020 (Ex. 2a); (b) “Unicode® Technical Committee,” a webpage available at <https://www.unicode.org/consortium/utc.html>, last visited November 24, 2020 (Ex. 2b); and (c) “Members,” a webpage available at <https://home.unicode.org/membership/members/>, last visited November 24, 2020 (Ex. 2c). I reviewed publicly available information concerning

Unicode's fifteen voting members (full members, institutional members, and supporting members) as identified on these webpages. I have confirmed that a plurality (seven) are headquartered in the Northern District of California, while none is headquartered in the Western District of Texas.

4. Attached as Exhibit 3 is a true and correct copy of a printout of "UTC Meeting Information and Minutes," a webpage available at <https://www.unicode.org/L2/meetings/utc-meetings.html>, last visited November 24, 2020. This webpage provides the locations of the four UTC meetings that Mrs. Parrott attended (*see* Compl. ¶ 13), which have been highlighted at my instruction for ease of reference.

5. Attached as Exhibit 4 is a true and correct copy of a printout of Unicode's "Basic Info - Overview," a webpage available at <https://home.unicode.org/basic-info/overview/>, last visited November 24, 2020, providing contact information for the Unicode Consortium at a mailing address in Mountain View, California, which has been highlighted at my instruction for ease of reference.

6. Attached as Exhibit 5 is a statement of information filed by Sebastopol Berry Farm, LLC on June 12, 2020 with the California Secretary of State, identifying Maria Celia Vigil of Los Altos, California, which is in the Northern District of California, as the LLC's managing member. The address used in the foregoing statement matches Apple's most recent records of contact information for Ms. Vigil, as described in the accompanying Declaration of Mark Rollins.


7. Attached as Exhibits 6a–b are (a) a true and correct copy of the resume of Shervin Afshar, downloaded from <http://www.shervinafshar.name/resume.pdf> on November 24, 2020, identifying Mr. Afshar's current work location as Los Gatos, California, and describing previous work in San Jose, California, as a representative communicating with Unicode's Technical Committee (Ex. 6a); and (b) a true and correct copy of "Report on Diversity Emoji Use in

iDiversicons and Proposal to Add New Emoji from iDiversicons Collection to Unicode,” downloaded from <http://www.unicode.org/L2/L2014/14154-idiversion-emoji-rept.pdf> on November 24, 2020 (Ex. 6b). Both Los Gatos and San Jose are in the Northern District of California.

8. Attached as Exhibits 7a–b are (a) a true and correct copy of a printout of “UI Design” and “Me,” webpages from a business website for “Grafik Mythos” available at <https://www.grafikmythos.com/ui-design> and <https://www.grafikmythos.com/me1>, last accessed November 24, 2020, identifying Matt Evans as a former UI Designer at Apple (Ex. 7a); and (b) a corporate statement of information maintained by the California Secretary of State, filed on May 29, 2020, showing that Grafik Mythos Inc. is registered to Matthew Evans and based at a street address in San Francisco, California, which is in the Northern District of California (Ex. 7b). This address matches Apple’s most recent records of contact information for Mr. Evans, as described in the accompanying Declaration of Mark Rollins.

9. Attached as Exhibits 8a–b are (a) the 2019 Calendar Year Report of the United States District Court for the Western District of Texas (the most recently available) (Ex. 8a); and (b) the corresponding statics for the Northern District of California, published in the December 2019 Judicial Caseload Profile of the United States District Court for the District of Northern California (Ex. 8b).

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed on this 24th day of November 2020 in Hillsborough, California.



Gabriel S. Gross